

UTILITIES DIVISION[199]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 17A.4 and chapters 476, 478, and 479, the Utilities Board (Board) gives notice that on April 15, 2009, the Board issued an order in Docket No. RMU 2009-0003, In re: Updates and Corrections to Natural Gas and Electric Technical Standards [199 IAC Chapters 10, 19, 20, and 25], "Order Commencing Rule Making," that proposes amendments to the technical standards incorporated by reference in the Board rules regarding safety standards for natural gas and electrical installations. The Board has jurisdiction over the safe operation of natural gas facilities and electric facilities under the provisions of Iowa Code chapters 476, 478, and 479. The Board also acts as an agent of the U.S. Department of Transportation, Office of Pipeline Safety (OPS), pursuant to 49 U.S.C.A. Section 60105, to ensure compliance with federal pipeline safety standards.

The Board has adopted rules that establish standards to ensure the safe operation of natural gas and electric facilities, and included in those rules are technical standards from federal regulations and industry publications that are incorporated by reference. Periodically, the Board is required to update the references as new and revised standards are developed. The Board is commencing this rule making to update its safety standards and to make any corrections to those standards that are necessary.

Of particular importance is the renewal of the adoption date of the federal pipeline safety standards. Timely adoption of amendments to the federal standards is required to fulfill the Board's role as an agent for OPS. The Board is proposing to adopt any revisions to federal regulations through the effective date of these amendments. This will ensure that the Board adopts the most current amendments to federal standards. The Board is also proposing to amend paragraph 25.2(5)"a" to recognize recently implemented standards for certain electrical installations prescribed by the State Fire Marshal in 661 IAC 504.1(103). The order commencing rule making can be found using the Board's electronic filing system (EFS) Web site at <http://efs.iowa.gov>.

Pursuant to Iowa Code section 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before May 26, 2009. The statement should be filed electronically through the EFS. Instructions for making an electronic filing can be found on the EFS Web site at <http://efs.iowa.gov>. Any person who does not have access to the Internet may file comments on paper pursuant to 199 IAC 14.4(5). An original and ten copies of paper comments shall be filed. Both electronic and written filings shall comply with the format requirements in 199 IAC 2.2(2), clearly state the author's name and address, and make specific reference to this docket. All paper communications should be directed to the Executive Secretary, Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

No oral presentation is scheduled for this rule making.

These amendments are intended to implement Iowa Code section 17A.4 and chapters 476, 478, and 479.

The following amendments are propopsed.

ITEM 1. Amend subrule 10.12(1) as follows:

10.12(1) All pipelines, underground storage facilities, and equipment used in connection therewith shall be designed, constructed, operated, and maintained in accordance with the following standards:

a. 49 CFR Part 191, "Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports," as amended through ~~June 27, 2007~~ the effective date of this amendment.

b. 49 CFR Part 192, "Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards," as amended through ~~June 27, 2007~~ the effective date of this amendment.

c. 49 CFR Part 199, "Drug and Alcohol Testing," as amended through ~~June 27, 2007~~ the effective date of this amendment.

d. ASME B31.8 - ~~2003~~ 2007, "Gas Transmission and Distribution Piping Systems."

e. and f. No change.

Conflicts between the standards established in paragraphs 10.12(1)"a" through "f" or between the requirements of rule 199—10.12(479) and other requirements which are shown to exist by appropriate written documentation filed with the board shall be resolved by the board.

ITEM 2. Amend rule 199—10.17(479) as follows:

199—10.17(479) Accidents and incidents. Any pipeline incident or accident which is reportable to the U.S. Department of Transportation under 49 CFR Part 191 as amended through ~~June 27, 2007~~, the effective date of this amendment shall also be reported to the board, except that the minimum economic threshold of damage required for reporting to the board is \$15,000. Duplicate copies of any written accident reports and safety-related condition reports submitted to the U.S. Department of Transportation shall be provided to the board.

ITEM 3. Amend paragraph **19.2(5)"g"** as follows:

g. *Reports to federal agencies.* Copies of reports submitted pursuant to 49 CFR Part 191 as amended through ~~June 27, 2007~~ the effective date of this amendment, "Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports," shall be filed with the board. Utilities operating in other states shall provide to the board data for Iowa only.

ITEM 4. Amend subrule 19.5(2) as follows:

19.5(2) Standards incorporated by reference.

a. The design, construction, operation, and maintenance of gas systems and liquefied natural gas facilities shall be in accordance with the following standards where applicable:

(1) 49 CFR Part 191, "Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports," as amended through ~~June 27, 2007~~ the effective date of this amendment.

(2) 49 CFR Part 192, "Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards," as amended through ~~June 27, 2007~~ the effective date of this amendment.

(3) 49 CFR Part 193, "Liquefied Natural Gas Facilities: Federal Safety Standards," as amended through ~~June 27, 2007~~ the effective date of this amendment.

(4) 49 CFR Part 199, "Drug and Alcohol Testing," as amended through ~~June 27, 2007~~ the effective date of this amendment.

(5) ASME B31.8 - ~~2003~~ 2007, "Gas Transmission and Distribution Piping Systems."

(6) NFPA No. 59-~~2004~~ 2008, "Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants."

(7) No change.

b. The following publications are adopted as standards of accepted good practice for gas utilities:

(1) ANSI Z223.1/NFPA 54-~~2006~~ 2009, "National Fuel Gas Code."

(2) NFPA 501A-~~2005~~ 2009, "Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities."

ITEM 5. Amend paragraph **19.6(3)"d"** as follows:

d. Measurement of Gas Flow by Turbine Meters, ANSI/ASME MFC-4M-1986 (~~R1997~~) (Reaffirmed 2008).

ITEM 6. Amend subrule 19.8(3) as follows:

19.8(3) Turning on gas. Each utility upon the installation of a meter and turning on gas or the act of turning on gas alone shall take the necessary steps to assure itself that there exists no flow of gas through

the meter which is a warning that the customer's piping or appliances are not safe for gas turn on (Ref: Sec. 4.2 and Appendix D, ANSI Z223.1/NFPA 54-~~2006~~ 2009).

ITEM 7. Amend subrule 20.5(2) as follows:

20.5(2) *Standards incorporated by reference.* The utility shall use the applicable provisions in the publications listed below as standards of accepted good practice unless otherwise ordered by the board.

- a. Iowa Electrical Safety Code, as defined in 199 IAC [199], Chapter 25.
- b. National Electrical Code, ANSI/NFPA 70-~~2005~~ 2008.
- c. American National Standard Requirements for Instrument Transformers, ANSI/IEEE C57.13.1-~~1981 (R1999)~~ 2006; and C57.13.3-~~1983 (R1991)~~ 2006.
- d. American National Standard For Electric Power Systems and Equipment Voltage Ratings (60Hertz), ANSI C84.1-2006.
- e. Grounding of Industrial and Commercial Power Systems, IEEE 142-~~1991~~ 2007.
- f. to h. No change.

ITEM 8. Amend paragraph **25.2(5)“a”** as follows:

- a. The “National Electrical Code,” ANSI/NFPA 70-~~2005~~ 2008, is adopted as a standard of accepted good practice for customer-owned electrical facilities beyond the utility point of delivery, except for installations subject to the provisions of the state fire marshal standards in 661 IAC 504.1(103).